

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 14, 2002

DIVISION TWO

[illegible]

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Doi Todd, J.

B150925 People (Not for Publication)
v.
Garcia

The three 1-year enhancements imposed pursuant to section 667.5 are stricken, and the superior court is directed to prepare an amended abstract of judgment accordingly. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Doi Todd, J.

B148548 People
v.
Barger

Filed order denying petition for rehearing.

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B153186 Children and Family Services v. Laurence R.

B153068 People v. Jenkins

B135046 People v. Rojo

B148317 People v. Decatur

B148754 People v. Ponce

B149605 People v. Kimpson

B145530 Nathanson v. Hecker

B151418 People v. Drine

B152917 Children and Family Services v. Sharon T.

B144619 People v. Fuller

B150186/B154093 People v. Thomas

B151006 People v. Williams

B147870 People v. McCall

B151446 People v. Muangthong

B155254 Erica H., v. S.C.L.A

Argument waived, cause submitted.

B147504 Goldman
 v.
 Goldman

Merits:

Argued by Joshua Kaplan for appellant and by Paul R. Jensen for respondent. Cause submitted.

B147585 Brutz
 v.
 Calmat Company, et al.

Merits:

Argued by Pat Murphy for appellants and by William Bossen for respondents. Cause submitted.

DIVISION THREE (Continued)

B143216 Stevenson
 v.
 Huntington Memorial Hospital et al.

Merits:
Argued by Antonio Lawson for appellant and by John Weber for respondents. Cause submitted.

B143614 Macchi
 v.
 Jackson, et al.

Merits:
Argued by Brian A. Rishwain for appellant and by Ann Loeb and Louise Ann Fernandez for respondents. Cause submitted.

Court recessed at 10:25 A.M.

Court reconvened at 1:30 P.M.

Present: Croskey, Acting P.J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

B148131 Foss
 v.
 Board of Retirement of the L.A. County Employees Retirement Association

Merits:
Argued by Mark E. Singer for appellant and by Daniel E. McCoy for respondent. Cause submitted.

B143295 Case
 v.
 City Thrift & Loan Association

Merits:
Argued by Frank J. Feffer for appellant and by Debra L. Korduner for respondent. Cause submitted.

DIVISION THREE (Continued)

Court adjourned at 2:35 P.M

B142736 People (Not for Publication)
v.
Earl Reed Warner

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B143674 Cadvan Griffiths
v.
Superior Court, Los Angeles County
(Medical Board of California, r.p.i.)

Filed order vacating submission order of January 31, 2002, due to press of other court business and the complexity of the issues. Cause resubmitted.

[illegible]

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FOUR

B148908 Phillips (Not for Publication)

v.

State Bar Court et al.

The order of dismissal is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

B150231 Kalifa et al. (Not for Publication)

v.

Clarke

The judgment is reversed. The trial court is directed to grant Clarke's alternative motion for summary adjudication with respect to causes of action two (relief incident to rescission) and four (services rendered and materials furnished). The matter is remanded for further proceedings on cause of action one (fraud) and three (money had and received). Each side is to bear its own costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

B146633 Mulder (Not for Publication)

v.

Pilot Air Freight et al.

The judgment that the action is barred by section 47(b) is affirmed. The denial of leave to amend is reversed and the matter remanded as directed in the opinion. Each side is to bear its own costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.
 Curry, J.

DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B142458 People (Not for Publication)
v.
Terry

The judgment of conviction is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FIVE

B148985 People (Not for Publication)
v.
Cartrell Henry

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

February 14, 2002-Continued

DIVISION FIVE (Continued)

B148114 People (Not for Publication)
v.
Dante Michael Soiu

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Yegan, Acting P.J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

B149518 Robison v. Davis

Argument waived, cause submitted.

B154781 Brenda C. v. San Luis Obispo Co. Superior Court

Presentation waived, cause submitted.

B152589 Burboa v. Ventura Co.

Argument continued to March, 2002.

B151531 Clifford
v.
Tarcha

Merits:
Argued by Denise A. Brogna for appellant and by Greg W. Jones for respondent. Cause submitted.

DIVISION SIX (Continued)

Court recessed at 9:20 A.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

Each of the following:

B135371 People v. Marceleno & Soto
B148923 People v. Gleeson
B149111 People v. Hopson
B149116 People v. Khaimchayev
B149201 People v. Brown
B149333 People v. Ferrel
B149601 People v. Arellano
B149971 People v. Scott
B150098 People v. Williams
B150288 People v. Wickersham
B151624 People v. Damian C.
B151631 People v. Coley

Argument waived, cause submitted.

B147409 People v. Campos

Argument waived; submission deferred until March 4, 2002.

B146304 People v. Bagheri

Argument continued to March, 2002.

DIVISION SIX (Continued)

B151082 People
 v.
 Westfall

Merits:

Argued by Wayne C. Tobin for appellant and by Laura Bak-Boychuk, deputy attorney general, for respondent via video conference. Cause submitted.

B147239 People
 v.
 Smith

Merits:

Argued by Gerald J. Miller for appellant and by Stephanie Miyoshi, deputy attorney general, for respondent via video conference. Cause submitted.

B150841 People
 v.
 Castillo

Merits:

Argued by Robert D. Rentzer for appellant and by David E. Madeo, deputy attorney general, for respondent via video conference. Cause submitted.

B145228 People
 v.
 Dacayana

Merits:

Argued by Jean F. Matulis for appellant and by Valerie A. Baker, deputy attorney general, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B147224 People
 v.
 Jeter

Merits:

Argued by John Lanahan for appellant via video conference and by Kenneth C. Byrne, deputy attorney general, for respondent via video conference. Cause submitted.

B150437 People
 v.
 Acosta

Merits:

Argued by Julia Swanson for appellant and by Rori M. Ridley, deputy attorney general, for respondent. Cause submitted.

Yegan, J. left the bench.

B149813 People
 v.
 Garavoy

Merits:

Argued by Rhonda G. Schmidt for appellant and by Rori M. Ridley, deputy attorney general, for respondent. Cause submitted.

Court adjourned at 3:10 P.M.

B148414 People
 v.
 Sugarman

Filed order certifying opinion for publication.

DIVISION SIX (Continued)

B153603 Graham
v.
City of Atascadero

Filed order denying petition for rehearing.

DIVISION SEVEN

B148889 Khalili (Not for Publication)
v.
Board of Chiropractic Examiners, State of California

The judgment is affirmed. The Board is to recover its costs on appeal.

Boland, J. (Assigned)

We concur: Johnson, Acting P.J.
Woods, J.

B144133 People (Not for Publication)
v.
Bailey

The judgment is modified as follows: The victim restitution order and Penal Code section 1202.45 parole revocation restitution fine are vacated, the multiple murder special circumstance finding on count two is stricken, and appellant is awarded 600 days of pre-sentence credit. In all other respects, the judgment is affirmed.

Boland, J. (Assigned)

We concur: Woods, Acting P.J.
Perluss, J.

DIVISION SEVEN (Continued)

B139549 Gill (Not for Publication)
v.
Farmers Mutual Insurance Company

The appeal from the trial court's order dismissing the Gills' cause of action for breach of contract is treated as a petition for extraordinary writ. The petition is granted. Let a writ issue directing the trial court to vacate its orders dismissing the Gill's cause of action for breach of contract and granting Farmers' motion for summary adjudication, and to issue a new and different order denying Farmers' motion for summary adjudication on the breach of contract issue. The Gills are awarded their costs.

Boland, J. (Assigned)

We concur: Woods, Acting P.J.
Perluss, J.